**VICIOUS DOG HEARING DECISION/PROTECTIVE ORDER**

**Town of Windham, VT Selectboard**

**In re: Blu**

**INTRODUCTION AND PROCEDURAL HISTORY**

1. This proceeding involves a vicious dog complaint submitted by Robert Glatz, received by the Selectboard on October 31, 2017

2. On November 7, 2017, public notice of this vicious dog hearing was posted in or near the Town Clerk’s office, the Fire Company and the Meeting House and on the official town website.

3. On November 7, 2017, notice of this vicious dog hearing was e-mailed to Jackie Deedman, owner/keeper of Blu.

4. On November 7, 2017, notice of this vicious dog hearing was e-mailed to Robert Glatz.

5. Present at the hearing were the following members of the Selectboard:

* Kord Scott, Vice-Chair
* Maureen Bell

6. During the course of the hearing the following exhibits were submitted to the Selectboard:

* Email and accompanying picture from complainant dated October 31, 2017
* Liability insurance policy from the dog owner

**RELEVANT ORAL TESTIMONY**

Complainant reviewed the facts of the latest, as well as the previous 2 attacks on him by the dog. One of the attacks resulted in a bite that required medical treatment. He explained that after the first 2 incidents, he came to a private agreement with the owner that the dog be confined to her own living space unless on a lead or leash. He reports that the agreement has been violated many times. He has developed anxiety which is affecting his work, demeanor and ability to feel safe in his own home/yard. He feels that he has been “excessively reasonable to the point of enabling” the situation with the owner and dog. He is not only concerned about his own safety, but also that of others who might come in contact with the dog.

The dog owner said she rescued the dog in March, 2017 from a high-kill shelter. He’s never lived in a neighborhood before and she feels the dog is being protective when faced with someone entering (what happens to be common area in) his home. She said that the dog has only ever reacted this way to the complainant. Since the incident has occurred she says she has taken extra precautions to make sure the laundry room door is now locked (that is the common area) and that her entire household (including the children) know to do that. Further, due to her PTSD, she is working with her doctor to get the dog registered as a support dog, which will then allow her to take him everywhere she goes. She acknowledged that the dog is in new surroundings and has a long way to go behaviorally, but he has come a long way since she’s had him.

The owner feels she is not ignoring the issue and understands the complainant’s anxiety. She says she will take whatever steps are necessary to relieve the anxiety, even if that means keeping the dog in a crate. She reiterated that once the dog is registered as a support dog, he will be able to travel everywhere with the owner.

She has even considered re-homing the dog, but as of yet has had no response. Additionally the owner said she has taken out a $100,000 liability insurance policy, a copy of which was electronically submitted to us after the hearing.

Lastly, the owner suggested that living in this home is merely temporary. She is “on the list” for housing elsewhere and thinks that it would be approximately 2 months until she moves out.

The complainant rebutted that last 2 times the dog has gotten out, it was through the front door, not the common area laundry room of the home. He didn’t provide it, but said he has recent (from the previous day) photographic evidence of the doors having been left open.

A third party, the landlord and witness to the last attack, also testified. She too, is anxiety-ridden about the dog being on her property. She would like it gone. She said she has done some legal research. It appears to her that as the landowner, once the dog has bitten someone and she has become aware of it, she it also liable for that dog. She doesn’t understand how a dog that has bitten someone can subsequently be insured.

The landlord said that her son, who happens to be a friend with whom the dog owner is currently living, has actually had a response to re-homing the dog. The owner refuted that and said she knew nothing about it.

**FINDINGS OF FACT**

1) The Board finds that Blu bit the Complainant on 7/12/2017.

2) The Board finds that this caused injury to the Complainant.

3) The Board finds that the Dog was not restrained at the time of the bite

**CONCLUSIONS OF LAW**

The Board concludes that the dog is a vicious dog and that restraint of the animal is required as set forth in the next section.

**DECISION**

Based on the foregoing findings of fact and conclusions of law the Selectboard finds that Blu ***did*** bite Robert Glatz ***without*** provocation and therefore a protective order ***will*** be rendered.

**PROTECTIVE ORDER**

**XX** Based on the foregoing facts and circumstances and pursuant to 20 V.S.A. § 3546(c), the Selectboard hereby orders that the domestic pet or wolf-hybrid named Blu and owned by Jackie Deedman is to be:

**🞏 Muzzled**: (*where/when:* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_);

**XX Chained**: whenever it is outside the home;

**XX Confined** in a childproof crate: whenever the owner (Jackie Deedman) is not in the house with it – regardless of whether or not there are other adults in the house.

**🞏 Spayed/neutered** (*no later than:* \_\_\_\_\_\_\_\_\_\_\_\_);

**🞏 Transferred** to an animal shelter or rescue organization for the purpose of finding an adoptive home;

**🞏 Disposed of in a humane way**: (*no later than*: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_);

**XX Other**: The matter of the dog becoming certified as a therapy dog is not relevant to this case and will not be considered reason for the owner not moving away from the property within a 2-month time frame.

**XX** Based on the foregoing facts and circumstances, and pursuant to 20 V.S.A. § 3546(c), the Selectboard hereby orders that Jackie Deedman restrain Blu in the manner listed above and be subject to random inspections of same. These orders are conditional and based upon the assumption that the owner and dog will move from the premises in 2 months’ time.

Failure to comply fully with the conditions set forth in this order shall subject the owner/keeper to the penalties provided for in Title 20 Section 3546 and the Windham VT Vicious Dog Ordinance.

This decision/order was approved by the Windham Selectboard on November 20, 2017.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Selectboard Chair

**NOTICE:** This decision may be appealed to the Vermont Superior Court Civil Division within 30 days of the date of this decision, pursuant to Rule 75(c) of the Vermont Rules of Civil Procedure.